

Attachment

From: Galeno, Maria T.
To: Michael J. Willemin
Cc: Lindsay Goldbrum; "Strand, David"; Taber, Kenneth W.; Coughlan, Stephanie M.
Subject: RE: Hillel - 26(f)
Date: Tuesday, October 6, 2020 2:18:13 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image59e654.PNG](#)
[imagea15fa0.PNG](#)

Michael,

We understand your position and, therefore, in accordance with the applicable rules, we will be writing to Judge Preska to request a stay of discovery pending her determination of the motions to dismiss. As you know, we are busy this week preparing our reply papers in response to your opposition to, and in further support of, our two motions. Our reply papers are due on October 14. We will write the Court after our reply briefs are filed. Thank you in advance for your cooperation.

Best regards,
Maria

Maria T. Galeno | Partner

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From: Michael J. Willemin <mwillemin@wigdorlaw.com>

Sent: Monday, October 5, 2020 6:05 PM

To: Galeno, Maria T. <maria.galeno@pillsburylaw.com>

Cc: Lindsay Goldbrum <lgoldbrum@wigdorlaw.com>; 'Strand, David' <dstrand@fisherphillips.com>;
Taber, Kenneth W. <kenneth.taber@pillsburylaw.com>

Subject: RE: Hillel - 26(f)

I wouldn't presume to know why the scheduling conference has not yet been scheduled. What I do know is that while 21 days before is the outside limitation, of course, the rule expressly requires a meet and confer "as soon as practicable." Waiting indefinitely is not in compliance with the rule and, as I said in my initial email (and you do not dispute), there is no automatic stay of proceedings when a motion to dismiss is filed. So, if you want a stay, it is your obligation to file a motion to stay. Until and unless a stay is issued, we have to comply with the rules. Again, please let us know your availability or secure a stay. If we are forced to make a motion to compel you to comply with the plain language of the rules, we will seek our costs and fees in connection with having to do so.

Michael J. Willemin

Partner

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From: Galeno, Maria T. <maria.galeno@pillsburylaw.com>

Sent: Monday, October 5, 2020 5:55 PM

To: Michael J. Willemin <mwillemin@wigdorlaw.com>

Cc: Lindsay Goldbrum <goldbrum@wigdorlaw.com>; 'Strand, David' <dstrand@fisherphillips.com>;
Taber, Kenneth W. <kenneth.taber@pillsburylaw.com>

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Michael,

Rule 26(f) states that the conference has to be held at least 21 days before a scheduling conference is to be held. Here, the Judge has not yet set a

scheduling conference, likely because of the pendency of the motions -- in particular, the motion addressed to the Court's jurisdiction over the individual defendants.

We do not believe it makes any sense to proceed with a Rule 26(f) conference or discovery with the case in its current posture. If you disagree, though, you of course can write to the Court and we will respond.

Thanks and best regards,
Maria

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From: Michael J. Willemin <mwillemin@wigdorlaw.com>

Sent: Monday, October 5, 2020 3:56 PM

To: Galeno, Maria T. <maria.galeno@pillsburylaw.com>

Cc: Lindsay Goldbrum <lgoldbrum@wigdorlaw.com>; 'Strand, David' <dstrand@fisherphillips.com>;
Taber, Kenneth W. <kenneth.taber@pillsburylaw.com>

Subject: RE: Hillel - 26(f)

Maria,

As I am sure you know, the filing of a motion to dismiss does not stay discovery. So, notwithstanding your position that a 26(f) would be a waste of time, we are obligated under the federal rules to conduct one, as soon as practicable. To that end, please let me know when you are available.

Thanks,

Michael J. Willemin

Partner

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From: Galeno, Maria T. <maria.galeno@pillsburylaw.com>

Sent: Monday, October 5, 2020 3:50 PM

To: Michael J. Willemin <mwillemin@wigdorlaw.com>

Cc: Lindsay Goldbrum <lgoldbrum@wigdorlaw.com>; 'Strand, David' <dstrand@fisherphillips.com>;
Taber, Kenneth W. <kenneth.taber@pillsburylaw.com>

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Michael,

In light of the pendency of IQVIA's Rule 12(b)(6) motion to dismiss all of your claims against IQVIA and of the Rule 12(b)(2) motion by 4 of the 5 IQVIA-related defendants to dismiss for lack of personal jurisdiction, a Rule 26(f) conference this week would be premature. It would be extremely inefficient and wasteful to attempt to craft a discovery plan when we do not yet know which claims or parties, if any, will remain in the case.

Regards,

Maria

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From: Michael J. Willemin <mwillemin@wigdorlaw.com>

Sent: Monday, October 5, 2020 12:27 PM

To: Taber, Kenneth W. <kenneth.taber@pillsburylaw.com>; Galeno, Maria T. <maria.galeno@pillsburylaw.com>; dstrand@fisherphillips.com

Cc: Lindsay Goldbrum <lgoldbrum@wigdorlaw.com>

Subject: Hillel - 26(f)

* **EXTERNAL EMAIL** *

All,

Please advise as to your availability for our 26(f) conference this week.

Thanks!

Michael J. Willemin

Partner

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